

## REMARKS

### Status of Claims

Claims 1-14 are pending in this application, of which claims 1 and 12 are independent. Claims 1-6 and 8-14 have been amended to correct informalities in claim language. Claims 1 and 12 have been amended to incorporate the subject matter of original claim 7. Accordingly, claim 7 has been canceled without prejudice. Care has been taken to avoid the introduction of new matter. Favorable reconsideration of the application in light of the following comments is respectfully solicited.

### Claim Rejection - 35 U.S.C. § 102

Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Galli (US Pub. No. 2004/00232728 A1). Applicants respectfully traverse these rejections for at least the following reasons.

Applicants respectfully submit that the Examiner improperly relies on the same element of Galli as allegedly disclosing multiple distinct features of claim 1 in an attempt to reach the claimed subject matter. The Examiner asserts that item 24 in FIG. 8 of Galli corresponds to the claimed reflector. Then, the Examiner asserts that the same element 24 of FIG. 8 of Galli corresponds to the claimed side surface portion of the substantially hemispherical light-transmissive member. It is respectfully submitted that the Examiner's interpretation is improper in that claim 1 embodies distinct elements arranged relative to each other in a single combination; whereas the Examiner improperly interprets the same elements of Galli as if they were part of multiple distinct combinations so as to repeatedly read the same elements as different elements of Examiner-created "virtual" combinations that do not exist in Galli.

Further, it is clear that Galli fails to disclose that “the upper surface portion of the substantially hemispherical light-transmissive member is arranged so as to define an angle of at most 15 degrees with respect to an optical axis that extends through the LED chip, as recited by amended claim 1.

Accordingly, claim 1 is not anticipated by Galli. Thus, it is requested that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102(e).

**Claim Rejection - 35 U.S.C. § 103**

Claims 1-7, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. (US 6,155,699) in view of Sharp Corp. (JP 5-27688). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. and Sharp as applied to claim 1 above, and further in view of Vriens et al. (US 5,813,753). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. and Sharp as applied to claim 1 above, and further in view of Yamuro (US 5,931,570). Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) being patentable over Tasker et al. (US 6,734,465 B1) in view of Sharp. Claims 3, 11, and 14 rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. and Sharp as applied to claim 1 above, and further in view of Li (US Pub No. 2005/0082973 A1). Applicants respectfully traverse these rejections for at least the following reasons.

Applicants respectfully submit that claims 1 and 12 have been amended to include all the limitations of original claim 7. In the outstanding Office Action, original claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Sharp as set forth above.

Applicants note that in the present subject matter, in order to reduce the glare, the upper surface portion of the substantially hemispherical light-transmissive member is arranged so as to define an angle of at most 15 degrees with respect to an optical axis that extends through the LED chip. In other words, in order to reduce the glare, the upper end of a side surface portion is arranged so as to define an angle of at most 15 degrees with respect to an optical axis that extends through the LED chip (see, paragraphs [0057] to [0064] of the instant specifications).

In contrast, Miller and Sharp fail to disclose or suggest that “*the upper surface portion of the substantially hemispherical light-transmissive member is arranged so as to define an angle of at most 15 degrees with respect to an optical axis that perpendicularly extends through the LED chip,*” as recited by amended claims 1 and 12 (see, for example, FIG. 9 of the present application). Applicants respectfully disagree with the Examiner assertion that it would have been obvious to one of ordinary skill in the art to define an angle of approximately 15 degrees with respect to an optical axis that extends through the LED in order to produce a display with a specific dot pitch while maintaining luminance and avoiding light leakage. Since an object of Sharp is to reduce the light leakage of the transverse direction of a LED lamp, it is only necessary to cover “lower periphery of sealing resin” (see, paragraph [0011] of Sharp) with the light impermeability nature material in Sharp. In other words, in Sharp, it is unnecessary to arrange the upper end of the light impermeability nature material so as to define an angle of at most 15 degrees with respect to an optical axis that perpendicularly extends through the LED chip. Further, Applicants respectfully submit that there are no multiple optical axes that extend through the LED unit as the Examiner asserts. In this regard, the Examiner’s attention is directed to, for example, axis 50 of FIG. 9 of the present application. The optical axis in the present disclosure is an optical axis that perpendicularly extends through the LED chip.

As such, Applicants respectfully submit that it would not have been obvious to modify Sharp to arrive at the claimed angle of at most 15 degrees. Further, the remaining cited references do not cure the deficiency of Sharp. Accordingly, claims 1 and 12 and all claims dependent thereon are patentable over the cited references. Thus, it is requested that the Examiner withdraw the rejections of claims 1-14 under 35 U.S.C. § 103(a).

**Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty  
Registration No. 36,139

**Please recognize our Customer No. 53080  
as our correspondence address.**

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:TS/blb  
Facsimile: 202.756.8087  
**Date: August 28, 2009**